

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SPIRIT AIRLINES, INC.,

Plaintiff,

vs.

CASE NO. 07-341 (SLR)

24/7 REAL MEDIA, INC.,
ADVERTISING.COM, INC., AMERICA
ONLINE, INC. DBA AOL, BURST MEDIA
CORPORATION, CARROLLTON BANK,
CHEAPFLIGHTS (USA), INC., ECHO TARGET,
INC., HOTWIRE, INC., INTERCEPT
INTERACTIVE, INC., PRICELINE.COM, LLC,
RACKSPACE, LTD., SHERMANS TRAVEL,
INC., SIDESTEP, INC., SMARTER LIVING,
INC., SPECIFICMEDIA, INC., TRAVEL
MARKETING GROUP, INC., TRAVELZOO,
INC., TRIBAL FUSION, INC., TRIPADVISOR
LLC, VALUECLICK, INC., and THE WEATHER
CHANNEL INTERACTIVE, INC.,

Defendants.

ORDER

At Wilmington this _____ day of _____, 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f) and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by August 15, 2007, the information required by Fed. R. Civ. P. 26(a) (1) and D. Del. LR 16.2.

2. **Discovery.**

a. Discovery will be needed on the following subjects:

- amount of the interpleader funds each defendant is entitled to;
- propriety of interpleader fund;

- amounts owed to advertisers;
 - validity and extent of security interest;
 - existence of contracts with and/or third-party beneficiary status of advertisers; and
 - related issues.
- b. All fact discovery shall be commenced in time to be completed by February 15, 2008.
- c. Maximum of 25 interrogatories by each party to any other party.
- d. Maximum of 30 requests for admission by each party to any other party.
- e. Maximum of 15 depositions by plaintiff and 10 by each defendant.
- f. Each deposition limited to a maximum of 7 hours unless extended by agreement of parties.
- g. Reports from retained experts under Rule 26(a) (2) on issues for which any party has the burden of proof due by March 14, 2008. Rebuttal expert reports due by April 15, 2008. All expert discovery to be completed by May 9, 2008.
- h. **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amended of Pleadings, and Class Clarification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before February 15, 2008.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before June 30, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before _____. All responses to said motions shall be filed on or before _____.

8. **Pretrial Conference.** A pretrial conference will be held on _____ at _____ m. in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a five (5) day bench trial commencing on _____ in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

The Honorable Susan L. Robinson